

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

SHERMAN DIVISION

BYRON O'KEITH BARRETT, #1842807           §  
VS.   §                   CIVIL ACTION NO. 4:17cv15  
DIRECTOR, TDCJ-CID                               §

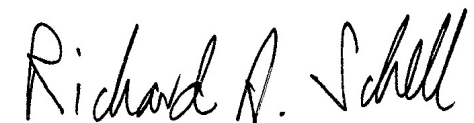
ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Christine A. Nowak. The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts same as the findings and conclusions of the court. It is therefore

**ORDERED** that the motion to dismiss (Dkt. #16) is **GRANTED** and that the above-styled petition for a writ of habeas corpus is **DISMISSED** without prejudice for lack of subject matter jurisdiction. A certificate of appealability is **DENIED**. All other motions by either party not previously ruled on are hereby **DENIED**. It is finally

**ORDERED** that the Clerk of Court shall return unfiled any new petition for a writ of habeas corpus submitted by Petitioner regarding his conviction unless he shows that he has received permission from the Fifth Circuit to file it.

**SIGNED this the 12th day of February, 2019.**



RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE